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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,619	12/20/2001	Wilhelm Kohler	KOHLER AT1 PCT	6429

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EXAMINER
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GREENE, JASON M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/12/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/019,619		KOHLER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jason M. Greene		1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. The Examiner notes that Applicants have indicated priority under 35 U.S.C 120 to international application PCT/DE00/01623 in the CROSS REFERENCE TO RELATED APPLICATIONS section of the Specification. However, the instant Application is a national stage application under 35 U.S.C. 371 of the international application. The Examiner suggests Applicants correct the cross reference accordingly.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains the legal phraseology "consisting of" in line 1 and "said" in line 3. Correction is required. See MPEP § 608.01(b).

3. The references to the claims in page 1 of the Specification are objected to because the claim language can and does change during prosecution of the Application.

### ***Claims***

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4. Applicant is reminded that while reference to elements of figures is allowed in the claims, the claims must be able to stand independent of the figures.
5. With regard to claims 11-19, the transitional phrases "characterized by the features" and "characterized in that" have been interpreted as being an open-ended transitional phrase.
6. With regard to claim 11, the Examiner notes that the claim recites the ring filter having a ring frame in lines 7-8. However, the specification does not teach the ring filter having a ring frame. Since the claim recites that the ring frame adjoins the filtering material radially on the inside and extends approximately over the entire axial length of the ring filter, the Examiner has assumed that the ring frame recited in claim 1 is the tubular frame (2) taught in the specification. If this assumption is correct, the Examiner suggests Applicants change the phrase "ring frame" in lines 7-8 to read as "tubular frame" to improve the clarity and precision of the claim language.
7. With regard to claim 14, the Examiner has interpreted the limitation "the axial distance ranges of the plate-shaped insert (6) distributed around the circumference are approximately uniform relative to the tubular frame (2)" in lines 14-17 as meaning that the plate-shaped insert extends axially a uniform distance relative to the tubular frame.

8. With regard to claim 17, the Examiner has interpreted "the fingers" as being the fingers radially projecting from the plate-shaped insert. If this interpretation is correct, the Examiner suggests Applicants add an appropriate phrase to improve the clarity and precision of the claim language. Alternatively, the Examiner suggests Applicants amend claim 17 to be dependent from claim 16.

9. With regard to claim 18, the Examiner has interpreted "the ring collar" as being the radial ring collar on the plate-shaped insert projecting in the direction of the tubular frame. If this interpretation is correct, the Examiner suggests Applicants add an appropriate phrase to improve the clarity and precision of the claim language. Alternatively, the Examiner suggests Applicants amend claim 18 to be dependent from claim 15.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the ring filter having a closed end disk having a plate-shaped insert made of a material different from the other closure material in lines 1-7. However, the limitation "the other closure material" renders the claim indefinite because it is not clear what is meant by the limitation. Specifically, it is not clear whether the "the other closure material" is intended to be the plastic (5) surrounding the plate-shaped insert, the plastic material forming the ring-shaped closure (3) on the opposite front side of the ring filter, or both. For examination purposes, the Examiner has assumed that the other closure material is intended to be the plastic portion of the closed end disk surrounding the plate-shaped insert.

Claim 11 also recites the closure material being a foamed plastic in line 23. However, the limitation "the closure material" renders the claim indefinite because it is not clear what is meant by the limitation. Specifically, it is not clear whether the "the closure material" is intended to be the plastic (5) surrounding the plate-shaped insert, the plastic material forming the ring-shaped closure (3) on the opposite front side of the ring filter, or both. For examination purposes, the Examiner has assumed that the closure material is intended to be the plastic portion of the closed end disk surrounding the plate-shaped insert. While the limitation includes reference sign 5, the Examiner again notes that the claim language must stand independent of the figures.

***Allowable Subject Matter***

12. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. Claims 12-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

European Patent Application EP 0 498 757 A1 teaches a ring filter made of star-shaped folded filtering material (1) and a closure (4,2) molded onto one of its two front sides as a closed end disk having a plate-shaped insert (4), which forms a central region of the closure lying radially inside the filtering material, exclusively made of a material different from the other closure material, with a radially permeable tubular frame (3) which extends approximately over the entire axial length of the ring filter, adjoining the filter material radially on the inside in Figs. 1-4.

Brown et al. discloses a ring filter made of star-shaped folded filtering material (35) and a closure molded onto one of its two front sides as a closed end disk (65) having a plate-shaped insert (67), which forms a central region of the closure lying radially inside the filtering material, exclusively made of a material different from the

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other closure material, with a radially permeable tubular frame (33) which extends approximately over the entire axial length of the ring filter, adjoining the filter material radially on the inside, wherein the plate-shaped insert and the tubular frame are fixed axially relative to one another by mutual contact, and wherein the closure material is a foamed plastic (plastisol) in Figs. 1, 7, and 8 and col. 3, line 41 to col. 6, line 10.

Patel et al. discloses a ring filter made of filtering material (18) and a closure (24,36) molded onto one of its two front sides as a closed end disk having a plate-shaped insert (36), which forms a central region of the closure lying radially inside the filtering material, exclusively made of a material different from the other closure material, with a radially permeable tubular frame (12) which extends approximately over the entire axial length of the ring filter, adjoining the filter material radially on the inside in Figs. 1-5 and col. 2, line 47 to col. 3, line 22.

The prior art made of record does not teach or fairly suggest the ring filter of claim 11 wherein the plate-shaped insert and the tubular frame are fixed axially relative to one another by mutual contact, wherein the tubular frame has a ring shoulder on its end opposite the closed end of the ring filter which axially receives the front side of the filtering material, and wherein the closure material is a foamed plastic (plastisol).

### **Conclusion**



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15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Engel et al., Unrath et al., and the Bishop et al. references disclose similar ring filters.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (703) 308-1261. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene  
Examiner  
Art Unit 1724



jmg  
June 4, 2003

DUANE SMITH  
PRIMARY EXAMINER

  
6-10-03